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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,859	08/25/2003	Hiroshi Nomura	P23704	1495

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EXAMINER	
SMITH, ARTHUR A	

ART UNIT	PAPER NUMBER
2851	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/646,859	NOMURA, HIROSHI	
	Examiner	Art Unit	
	Arthur A Smith	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 August 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/23/04; 5/5/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Wakabayashi et al. (US 4937609).

In reference to claim 1, Wakabayashi et al. discloses a retractable lens comprising: a plurality of optical components including a first optical element, ref. 60, a second optical element, ref. 80, and a third optical element, ref. 70 which are positioned on an optical axis in a ready state of said lens, at least said first optical element and said second optical element being movable independently in said optical axis direction, col. 5 lines 66-68, col. 6 lines 26-31 and fig. 3; and a support frame, ref. 81, which supports said second optical element, and has a generally ring-shaped portion and at least one radial arm portion, wherein said ring-shaped portion substantially surrounds said optical axis, and wherein said radial arm portion projects radially outwards from a rear end of said ring-shaped portion such that an outer end of said radial arm portion is

guided in said optical axis direction, said second optical element supported in a front end portion of said ring-shaped portion, col. 6 lines 18-25, wherein, when said retractable lens moves from said ready state to a retracted state, said third optical element is positioned in said ring-shaped portion while said first optical element is retracted from an on-axis position on said optical axis into an off-axis space radially outside said ring-shaped portion such that said first lens group is positioned radially outside said second optical element and said third optical element, col. 6 lines 33-39.

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Nomura et al. (US 20030156832 A1), supplied by applicant.

In reference to claims 1, 7, 10 and 11, Nomura et al. discloses a retractable lens comprising: a plurality of optical components including a first optical element, ref. L2, a second optical element, ref. L3, and a third optical element, ref. F which are positioned on an optical axis in a ready state of said lens, at least said first optical element and said second optical element being movable independently in said optical axis direction, paragraph 51; and a support frame, ref. 22, which supports said second optical element, and has a generally ring-shaped portion and at least one radial arm portion, wherein said ring-shaped portion substantially surrounds said optical axis, and wherein said radial arm portion projects radially outwards from a rear end of said ring-shaped portion such that an outer end of said radial arm portion is guided in said optical axis direction, paragraph 63, said second optical element supported in a front end portion of said ring-shaped portion, wherein, when said retractable lens moves from said ready state to a

retracted state, said third optical element is positioned in said ring-shaped portion while said first optical element is retracted from an on-axis position on said optical axis into an off-axis space radially outside said ring-shaped portion such that said first lens group is positioned radially outside said second optical element and said third optical element, paragraph 65.

In reference to claim 2, Nomura et al. discloses wherein said third optical element is immovable in said optical axis direction, and wherein said support frame moves rearward and reduces distance between said second optical element and said third optical element when said retractable lens moves from said ready state to said retracted state, see fig. 4.

In reference to claim 3, Nomura et al. discloses a housing having a ring portion in which said ring-shaped portion of said support frame is positioned; and at least one guide shaft positioned outside said ring portion and extends generally parallel to said optical axis, wherein said radial arm portion projects radially outwards to an extent wherein an outer end of said radial arm portion is positioned radially outside said ring portion, said radial arm portion configured to be guided in said optical axis direction via said guide shaft, paragraph 63.

In reference to claim 4, Nomura et al. discloses wherein said radial arm portion comprises a pair of radial arm portions positioned at different angular positions relative to said optical axis, and wherein said guide shaft comprises a pair of guide shafts positioned at said different angular positions relative to said optical axis, see fig. 4.

In reference to claim 5, Nomura et al. discloses at least one rotatable ring, ref 20, which is rotatable about a rotational axis extending in a direction of said optical axis, wherein movement of said first optical element is controlled by rotation of said rotatable ring, paragraph 65.

In reference to claim 6, Nomura et al. discloses wherein said ring-shaped portion of said support frame is configured to prevent unnecessary light from being incident on said third optical element, see fig. 1 (not specifically disclosed but inherent since the frame blocks light from reaching the ccd).

In reference to claim 8, Nomura et al. discloses wherein a lens group, ref. L1 positioned in front of said front lens group, wherein said lens group and said front lens group are moveable along said optical axis while changing the distance therebetween and to perform a focal-length varying operation in said ready state, and wherein said middle lens group is moveable along said optical axis via said support frame and perform a focusing operation, paragraph 51.

In reference to claim 9, Nomura et al. discloses wherein said lens group, which is positioned in front of said front lens group, is adjacent to said middle lens group in said optical axis direction in said retracted state, see fig. 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (571) 272 2129. The examiner can normally be reached on Monday - Thursday from 8:00 AM to

5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (572) 272 2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arthur A. Smith
September 6, 2004